

REMARKS

In the Office Action mailed July 28, 2004, the Examiner rejected claims 22-25 under the judicially created doctrine of obviousness-type double patenting over co-pending U.S. Application No. 09/716,890 (provisionally) and over U.S. Patent No. 6,149,947. Applicants submit herewith a terminal disclaimer with respect to U.S. Patent No. 6,149,947, and submit that this rejection has been overcome and should be withdrawn. Because the obviousness-type double patenting over U.S. Application No. 09/716,890 is provisional, Applicants do not currently address this rejection at this time.

The Examiner rejected claim 23 under Section 112, first paragraph as allegedly containing new matter. Applicants disagree with the Examiner's rejection but without acquiescing to the rejection Applicants amend claim 23 and submit that this rejection has been overcome.

The Examiner rejected claims 24-25 under Section 112, first paragraph as allegedly not being enabled for the skin disorders specified in the claims other than psoriasis or acne. Applicants disagree with the Examiner's rejection but without acquiescing to the Examiner's rejection Applicants amend claim 24 to specify the treatment of disorders specifically identified in the examples described in the specification. Applicants also cancel claim 25. Applicants submit that claim 24 as amended overcomes the Examiner's Section 112, first paragraph rejection because the listed disorders are the subject of specific examples in the specification.

The Examiner rejected claims 22-25 under Section 102(b) as anticipated by Carmel in light of Genis, and claims 22-23 under Section 102(e) as anticipated by Genis. Applicants submit that neither of these references disclose the subject matter of the pending claims. The claims require a

composition having a pH between 4 and 7, and neither Carmel nor Genis disclose a composition with this pH range. The claimed composition having a pH between 4 and 7 provides particular advantages over the prior art. For example, the claimed pH range is critical for inducing normal fibroblast growth. With a wound bed having a pH above 7 fibroblasts tend to deform and produce more MMP-2s (matrix metalloproteinases), which impede healing. In contrast, exposing a wound bed to an acidic environment induces fibroblast proliferation. *See Yawei Lui et al., Fibroblast proliferation due to exposure to a platelet concentrate in vitro is pH dependent*, Wound Repair and Regeneration vol. 10, no. 8, 336-340 (2002). When applied to a wound bed, the claimed composition acidifies the wound bed and transforms fibroblasts from a more inactive round form into a more active stellate form that produces less MMP-2s relative to the round form. The production of a lower level of MMP-2s increases the rate of healing of the wound bed. Because this pH range is not disclosed or suggested by the cited references, Applicants submit that the Section 102 rejections should be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims are now in condition for allowance.

Applicants invite the Examiner to telephone the undersigned representative if the Examiner believes that a telephonic interview would advance this case to allowance or if any clarifications are necessary.

Respectfully submitted,

O'MELVENY & MYERS LLP

By: 

Polaphat Veravanich

Reg. No. 45,179

Attorneys for Applicants

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O'Melveny & Myers LLP
114 Pacifica, Suite 100
Irvine, California 92618-3315
(949) 737-2923
IR1:1061874.1